

1           **MICHAEL S. DEVEREUX, SBN 225240**  
2           **WEX LAW**  
3           **1000 WILSHIRE BOULEVARD, SUITE 2150**  
4           **LOS ANGELES, CALIFORNIA 90017**  
5           **TELEPHONE: (213) 986-9844**  
6           **FACSIMILE: (213) 342-6190**

7           **Attorneys for Defendant, YANNICK MAI**

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10           **UNITED STATES DISTRICT COURT**  
11           **FOR CENTRAL DISTRICT OF CALIFORNIA**

12           **UNITED STATES OF AMERICA,**

13           **Plaintiffs,**

14           **v.**

15           **YANNICK MAI,**

16           **Defendants.**

17           **CASE NO.: CR 17-00423-AB**

18           **SUPPLEMENTAL TO**  
19           **DEFENDANT'S SENTENCING**  
20           **MEMORANDUM; EXHIBIT**

21           **Sent Date: June 6, 2019**

22           **Sent Time: 10:00 am**

23           **Hon. Andre Birotte, Jr.**

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25           Defendant YANNICK MAI (Mr. Mai), by and through his counsel, Michael  
26           S. Devereux, respectfully disagrees with the Probation Officer's contention that Mr.  
27           Mai has not met the criteria for a "safety valve" because of an aggravating role  
28           adjustment since the Government argues that Mr. Mai maintained an aggravating  
role, which is dubious at best.

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## I. AGGRAVATING ROLE: §3B1.1

Section 3B1.1 provides for 2, 3, and 4-level increases to the offense level if the defendant held an aggravating role in the offense:

(a) If the defendant was an organizer or leader of a criminal activity that involved five or more participants or was otherwise extensive, increase by 4 levels.

(b) If the defendant was a manager or supervisor (but not an organizer or leader) and the criminal activity involved five or more participants or was otherwise extensive, increase by 3 levels.

(c) If the defendant was an organizer, leader, manager, or supervisor in any criminal activity other than described in (a) or (b), increase by 2 levels.

USSG §3B1.1. Applying the adjustment turns, first, on the size and scope of the criminal activity and, second, on the defendant's particular role in that activity. See USSG §3B1.1, comment. (backg'd).

In the instant case, Mr. Mai was only a mule, a courier. Mr. Mai was not the organizer of the scheme. Nor was Mr. Mai the leader of the organization.

The leader of the scheme remained in Tahiti while sending Mr. Mai, his daughter and a family member of the leader to the US to bring back the drugs. This is the first time ever that Mr. Mai was taking drugs back to Tahiti. This is not

1 the first and only case of Tahitians being caught at LAX for drug trafficking since  
2 the arrest of Mr. Mai. Mr. Mai's arrest did not put a dent into the organization.  
3

4 The organization is alive and well within Tahiti.

5 Unlike the others in the organization, Mr. Mai did not receive any payment  
6 for his participation in the scheme. While in the US, Mr. Mai received instruction,  
7 was watched carefully, and was supervised by the family member to the organizer  
8 that accompanied Mr. Mai and his daughter to the US.

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10 **II. CONCLUSION**  
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12 For an offender such as Mr. Mai, who was not a leader or organizer to the  
13 scheme, who has no criminal history, the requested sentence would result in  
14 considerable hardship. Mr. Mai has been a model inmate as noted by his various  
15 awards while being incarcerated. *See Exhibit "A."*  
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17  
18 DATED: June 3, 2019  
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By: /s/ Michael S. Devereux  
MICHAEL S. DEVEREUX  
Attorney for Defendants  
YANNICK MAI